

## EIGHTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, Wednesday, Sept. 20, 1871. }

Senate met pursuant to adjournment. President Campbell presiding. Roll called. Quorum present.

Absent—Senators Fountain, Hertzberg and Pridgen.

Absent, excused—Senator Pickett.

Prayer by the Chaplain.

On motion of Senator Tendick, Senator Hertzberg was excused for the day on account of illness.

Journal of yesterday read and adopted.

Senator Gaines arose to a question of privilege, and read an article in the *Houston Union* concerning himself, and made some severe strictures thereon.

Senator Pettit arose to a question of privilege, and moved to reconsider the vote of yesterday by which Senate joint resolution No. 39, "Resolution authorizing and requiring the Governor of the State to issue an order for a general election, to be had on the third Tuesday of January, 1872," was passed.

Yeas and nays called for, and motion to reconsider carried by the following vote :

Yeas—Mr. President, Baker, Bowers, Flanagan, Ford, Gaines, Hall, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick. —16.

Nays—Bell, Broughton, Cole, Dohoney, Douglass, Evans, Latimer, Pyle, Shannon—9.

.11 O'CLOCK A. M.

## SPECIAL ORDER.

Senate bill No. 448, "An act to prescribe the time for the regular annual session of the Legislature for the year 1872," and report of Committee on State Affairs thereon. Bill read second time.

By leave, Senator Ford submitted the following report :

COMMITTEE ROOM,  
Austin, Sept. 18, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on State Affairs, to whom Senate bill No. 448 was referred, entitled "An act to prescribe the time for

the regular annual session of the Legislature for eighteen hundred and seventy-two, have carefully considered the same, and instruct me to report it back and recommend its passage.

Respectfully,

S. W. FORD, Chairman.

Report read.

Senator Ruby moved that the bill be recommitted to the Committee on State Affairs.

Yeas and nays called for, and motion to recommit lost by the following vote :

Yeas—Mr. President, Flanagan, Ford, Hillebrand, Parsons, Rawson, Ruby, Saylor, Tendick—9.

Nays—Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglass, Evans, Gaines, Hall, Latimer, Mills, Pridgen, Pyle, Shannon—15.

Senator Saylor moved that Senate bill No. 448 be made the special order for Monday at 11 A. M.

Yeas and nays called for, and motion to make special order lost by the following vote :

Yeas—Mr. President, Flanagan, Ford, Hillebrand, Mills, Parsons, Rawson, Ruby, Saylor, Tendick—10.

Nays—Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglass, Evans, Gaines, Hall, Latimer, Pridgen, Pyle, Shannon—14.

On motion of Senator Douglas, the bill was ordered engrossed.

Senator Baker moved to suspend the rules to place the bill on its third reading.

Yeas and nays called for, and motion to suspend the rules lost by the following vote :

Yeas—Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglass, Evans, Gaines, Hall, Latimer, Mills, Pridgen, Pyle, Shannon—15.

Nays—Mr. President, Flanagan, Ford, Hillebrand, Parsons, Pettit, Rawson, Ruby, Saylor, Tendick—10.

## REPORTS OF STANDING COMMITTEES.

Report of Judiciary Committee :

COMMITTEE ROOM, }  
Austin, Sept. 19, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Judiciary, to whom was referred Senate joint resolution No. 40, "Leasing certain real estate in the city of Austin, the property of the State of Texas, to certain mason-

ie bodies for the erection of a masonic temple thereon," instruct me to report the same back and recommend its adoption.

Respectfully,

W. H. PARSONS, Chairman.

Report read.

On motion of Senator Ruby the rules were suspended to consider the report and resolution.

Resolution read second time, ordered engrossed and passed to a third reading.

On motion of Senator Ruby the rules were further suspended and Senate joint resolution No. 40 read third time and passed by the following vote:

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglass, Evans, Flanagan, Ford, Gaines, Hall, Hillebrand, Latimer, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Shannon, Tendick—23.

Nays—None.

Senator Ruby submitted the following report of the Committee on Engrossed Bills:

COMMITTEE ROOM, }  
Austin, Sept. 20, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed Senate bills as follows: Senate bill No. 440, "An act to amend the twenty-second section of 'an act to provide for districting the State into judicial districts,' approved July 2, 1870;" Senate bill No. 441, "An act to amend the twenty-third section of 'an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870."

G. T. RUBY,  
E. L. DOHONEY,  
P. W. HALL.

Report read and received.

Message from the House by Chief Clerk, Mr. Gallant, informing the Senate that the House had agreed to and adopted the Senate amendment to House bill No. 689, "An act to be entitled 'an act amendatory of an act prescribing the time of holding the district courts in the Seventh Judicial District of the State,' approved March 4, 1871."

Under direction of the President the Secretary carried to the House, for concurrence, the following Senate bills:

Senate bill No. 437, "An act to regulate in part the receipt and disbursement of public money."

Senate bill No. 444, "An act to amend an act entitled 'an act to incorporate the city of Corsicana, in Navarro county,' approved May 31, 1871."

Senate bill No. 440, "An act to amend the twenty-second section of 'an act to provide for districting the State of Texas into judicial districts,' approved July 2, 1870."

Senate bill No. 441, "An act to amend the twenty-third section of 'an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870."

Informing the House also that the Senate had passed, without amendments, House bill as follows:

House bill No. 78, "An act making an appropriation for repairing and improving the State Cemetery."

Also, with amendment:

House bill No. 405, "An act to amend 'an act prescribing the times of holding the district courts in the several judicial districts in the State.'"

### BILLS AND RESOLUTIONS.

By Senator Pyle: a bill (Senate bill, No. 462) to be entitled "An act to prohibit the sale of spirituous or intoxicating liquors within two miles of Cedar Grove Masonic Male and Female Institute, Kaufman county." Read first time and referred to the Committee on Education.

By Senator Hall: a bill (Senate bill No. 464) to be entitled "An act to establish a ferry across the Big Brazos river at or near the northwest corner of Robertson county, in the Counties of Robertson and Falls." Read first time and referred to the Committee on Roads, Bridges and Ferries.

By Senator Rawson: a bill (Senate bill No. 463) to be entitled "An act to incorporate the Marshall and Jefferson Railway Company." Read first time and referred to the Committee on Internal Improvements.

On motion of Senator Pridgen, the rules were suspended to take from file Senate bill No. 154. "An act to amend 'an act to provide for districting the State of Texas into judicial districts,' approved July 2, 1870." Read second time.

Senator Pridgen offered a substitute for the bill (substitute for Senate bill No. 154). Read first time.

On motion of Senator Pridgen, the substitute was adopted.

On motion of Senator Pridgen, the rules were suspended and substitute for Senate bill No. 154 was read the second time and ordered engrossed and passed to a third reading.

On motion of Senator Pridgen, the rules were further suspended and substitute for Senate bill No. 154 was read third time and passed.

On motion of Senator Pridgen, the rules were suspended to take from file Senate bill No. 153. "An act to amend 'an act entitled an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870." Read second time.

Senator Pridgen offered a substitute (substitute for Senate bill No. 153). Read first time and, on motion of Senator Pridgen, adopted.

On motion of Senator Baker, the rules were further suspended and substitute for Senate bill No. 153 was read second time, ordered engrossed and passed to a third reading.

On motion of Senator Pyle, the rules were further suspended and substitute for Senate bill No. 153 was read third time and passed.

On motion of Senator Ruby the rules were suspended to take from file House bill No. 717, "An act to incorporate the Union Club of the city of San Antonio." Read first time.

On motion of Senator Baker the rules were further suspended and House bill No. 717 was read second time and passed to a third reading.

On motion of Senator Ruby the rules were further suspended and House bill No. 717 was read third time and passed.

On motion of Senator Pettit the rules were suspended to take from file House bill No. 225, "An act to prohibit the sale of intoxicating liquors within certain limits of the High School at Edom, Van Zandt county, Texas." Read second time.

On motion of Senator Pettit the following amendments, reported by the Committee on Education, were rejected: In section one, lines three and four, strike out phrase "make, sell or distribute any spirituous, vinous or intoxicating," and insert "sell any intoxicating or spirituous." In two, line second, strike out phrase "of this act," and insert "of the foregoing section;" in section three, after last line in section, add following: "*provided*, that a school organization be maintained in said high school during the accustomed scholastic months of each and every year."

Senator Douglass moved to amend by striking out the word "make." Carried.

Bill passed to a third reading as amended.

On motion of Senator Pettit the rules were further suspended and House bill No. 225 was read third time and passed.

On motion of Senator Flanagan the Senate at 11:45 A. M. adjourned to 10½ A. M. to-morrow.